

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

14 Date of bail hearing: January 23, 2009.

15 Defendant, personally and through counsel, requested addressing
16 the issues at a later date through motion to modify.

17 The court has conducted a bail hearing pursuant to 18 U.S.C.
18 § 3142(f), and has considered the Pretrial Services Report and
19 proffers of the parties. The court, based upon the factual findings
20 and statement of reasons for detention hereafter set forth, and as
21 stated in court, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

23 Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable
24 presumption that Defendant is a flight risk and a danger to the
25 community based on the nature of the pending charge. Application of
26 the presumption is appropriate in this case.

Defendant has a history of: Failures to appear

Failures to comply

2 Defendant has few or no ties to the community.

3 Defendant has a significant criminal history.

4 Defendant has an outstanding warrant(s).

5 Defendant does not have a suitable residence.

6 Defendant appears to suffer from chemical dependency.

7 The Grand Jury has found probable cause.

8 Other: The Central District of California Order is modified to
9 the extent that there shall be no pretrial searches absent a
10 warrant/probable cause. (See Ct. Rec. 100, Release Order and Bond
11 Form, C.D. Ca.)

12 The court finds the Defendant is not supervisable.

13 By a preponderance of the evidence there are no conditions or
14 combination of conditions other than detention that will reasonably
15 assure the appearance of Defendant as required.

16 By clear and convincing evidence there are no conditions or
17 combination of conditions other than detention that will ensure the
18 safety of the community.

19 Defendant is currently on probation/supervision resulting from
20 a prior offense.

21 Bureau of Immigration and Customs Enforcement Detainer.

IT IS ORDERED:

23 1. Defendant shall be held in detention pending disposition
24 of this case or until further order of the court. If Defendant
25 waived a bail hearing, or should circumstances change, Defendant may
26 petition the court to reopen the detention issue by written motion
27 to amend and request for hearing, served upon the United States

1 | Attorney.

2 2. Defendant is committed to the custody of the U.S. Marshal
3 for confinement separate, to the extent practicable, from persons
4 awaiting or serving sentences or being held in custody pending
5 appeal.

6 3. Defendant shall be afforded reasonable opportunity for
7 private consultation with counsel.

8 4. If the Defendant seeks review of this Order pursuant to 18
9 U.S.C. § 3145(b), attorney for Defendant shall file a written motion
10 for revocation or amendment of this Order within ten (10) days
11 before the district judge to whom this case is assigned and note it
12 for hearing at the earliest possible date. Both parties are
13 responsible to ensure the motion is determined promptly.

14 DATED January 23, 2009.

CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE